

## **JUSTICE COURT MEDIATION INFORMATION**

Parties involved in a civil action in Justice Court may be able to resolve their dispute by participating in Mediation. Once a Defendant properly files an answer denying the allegations in a complaint, the Court may set the case for Mediation. Either Plaintiff or Defendant may also request Mediation by including the request in the Complaint or Answer.

Mediation is one way for people to settle their disputes. Mediators are people trained in dispute resolution who help parties look for a solution and try to settle their cases before they have to go to trial. Justice Court uses specially trained Mediators from the Southwest Montana Mediation Association.

Mediators have no decision-making authority and they will not advocate for either party. Mediators do not give legal advice or provide legal services.

In most cases there is no charge for Mediation. If the Court does order that parties are responsible for the costs of Mediation, the parties will be notified of their financial obligation prior to Mediation.

### **THE COURT HAS THE FOLLOWING EXPECTATIONS REGARDING MEDIATION:**

- Both Plaintiff and Defendant must personally attend and be sufficiently prepared so that settlement options may be explored.
- Parties may bring attorneys, but must still personally attend the Mediation.
- Parties should bring all documents, statements, invoices, photographs, etc. to support their claim and copies for the other party.
- Mediation generally takes between thirty minutes to two hours, so parties should come prepared to stay a minimum of two hours.
- The Mediators will not force parties into a settlement agreement.
- Nothing discussed or offers made in Mediation can be used against a party at trial. Parties can negotiate freely during Mediation.
- If a case is resolved through Mediation, all parties will sign a stipulation agreement, which will become part of the case file and the case will not proceed to trial.

Cases very often settle in Mediation, but not always. If the parties do not reach an agreement, at least they have had an opportunity to talk through the situation thoroughly and may be better prepared to go to trial.

If a case does not resolve at Mediation, the parties will meet with the Judge immediately after Mediation for a pre-trial conference and a trial date and pre-trial motion deadlines will be calendared.